Gr. Brit. Foreign Office (38) 1253
I

FURTHER CORRESPONDENCE

WITH THE

GOVERNMENTS OF CANADA, PRINCE EDWARD ISLAND, AND NEWFOUNDLAND,

RESPECTING THE

TREATY OF WASHINGTON

AND

CANADIAN PACIFIC RAILWAY.

In Continuation of Papers presented March, 1873 [*C.*—702]

Presented to both Houses of Parliament by Command of Her Majesty,

1st MAY, 1873.

LONDON:
PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET & CHARING CROSS.
FOR HER MAJESTY'S STATIONERY OFFICE.

1873.

[*C.*—750.] *Price* 3½*d.*

1257

SCHEDULE.

CANADA.

Number in Series.	From whom.	Date.	SUBJECT.	Page.
1	The Earl of Dufferin	13 Feb. 1873	Enclosing the Charter passed under the Great Seal of the Dominion of Canada incorporating the "Canadian Pacific Railway Company" - - - - - -	1
2	The Earl of Dufferin	27 Feb. 1873	Enclosing Minute of Council recording the satisfaction of the Canadian Government with the arrangements made by Her Majesty's Government in respect of the Imperial Guarantees for the loans in connection with the "Intercolonial Railway" and the "Canadian Pacific Railway" - - - - - - - - -	13
3	The Earl of Dufferin	4 Mar. 1873	Forwarding Report of Council recommending that American vessels should not be prevented from fishing within Canadian waters before the Act of Congress giving effect to the Treaty of Washington comes into force on the 1st July next - - - - - -	13
PRINCE EDWARD ISLAND.				
4	Lieut.-Governor Robinson	30 June, 1872	Telegraphic—"Treaty Bill passed both branches without amendment, and was assented to by me yesterday" -	14
5	Lieut.-Governor Robinson	12 July, 1872	Forwarding copy of Act relating to the Treaty of Washington. Stating that the authenticated transcript with the Attorney-General's Report will be forwarded next mail - - - - - - - - - -	14
6	Lieut.-Governor Robinson	27 July, 1872	Forwarding authenticated transcript of "An Act relating to the Treaty of Washington," together with the Law Officer's summary - - - - - - - -	15
7	To Lieut. Governor Robinson	7 Mar. 1873	Acquainting him that a Telegram had been received at the Foreign Office from Sir Edward Thornton reporting that the Canadian Fisheries Bill had been passed by Congress with the condition that it shall not come into force until the 1st of July next - - - - - -	15
			The Canadian Government do not propose to exclude American fishermen from the waters of Canada in the meantime. Enquiry whether Prince Edward Island will adopt the same course - - - - - -	16
8	Lieut. Governor Robinson	2 April 1873	In reply to the above - - - - - - - -	16
NEWFOUNDLAND.				
9	To Governor Hill	13 Aug. 1872	Transmitting Act to carry into effect the Treaty with the United States signed at Washington on the 8th May, 1871 - - - - - - - - - - -	16
10	Governor Hill	28 Aug. 1872	In reply to the above, and remarking thereon, and with respect to the time at which it will be possible to bring before the Legislature the question of the extension to Newfoundland of the Articles of the Treaty of Washington - - - - - - - - - -	17
11	Governor Hill	6 Feb. 1873	Enclosing Extract from Speech on this day opening the Newfoundland Legislature, having reference to the Articles of the Treaty of Washington - - - -	17

Number in Series.	From whom.	Date.	SUBJECT.	Page.
12	To Governor Hill	7 Mar. 1873	Acquainting him that a Telegram had been received at the Foreign Office from Sir Edward Thornton reporting that the Canadian Fisheries Bill had been passed by Congress with the condition that it shall not come into force until the 1st July next – – – – – –	18
			The Canadian Government do not propose to exclude American fishermen from the waters of Canada in the meantime. Enquiry whether Newfoundland will adopt the same course – – – – – – – – –	19
13	Admiralty -	10 Mar. 1873	Enquiring whether any change is contemplated in consequence of the action of the American Congress, in the Instructions to the Captains and Commanding Officers of Her Majesty's Ships to be employed in the protection of the fisheries on the coast of Nova Scotia, Newfoundland, &c. – – – – – – – – – –	19
14	To Admiralty	19 Mar. 1873	In reply to the above – – – – – – – – –	19
15	Governor Hill	31 Mar. 1873	States that the Government of Newfoundland do not propose to exclude American Fishermen from the territorial waters of that Colony during the coming season – –	20

APPENDIX.

United States Act to carry into effect the provisions of the Treaty between the United States and Great Britain signed in the City of Washington the 8th day of May, 1871, relating to the Fisheries 2

	Page.
received at n reporting passed by come into – –	18
to exclude ada in the will adopt – –	19
l in conse- rese, in the ing Officers protection Newfound- – –	19
– –	19
do not pro- e territorial son – –	20
d States and the Fisheries	2

FURTHER CORRESPONDENCE

WITH THE

GOVERNMENTS OF CANADA, PRINCE EDWARD ISLAND, AND NEWFOUNDLAND,

RESPECTING THE

TREATY OF WASHINGTON.

CANADA.

No. 1.

The EARL OF DUFFERIN to the EARL OF KIMBERLEY.—(Received March 3, 1873.)

MY LORD, Ottawa, 13th February, 1873.

I have the honour to enclose six printed copies of the Charter passed under the Great Seal of the Dominion of Canada on the 5th instant, incorporating "The Canadian Pacific Railway Company."

I have, &c.,

DUFFERIN.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

Inclosure in No. 1.

VICTORIA, by the GRACE of GOD, of the UNITED KINGDOM of GREAT BRITAIN and IRELAND, QUEEN, DEFENDER of the FAITH, &c., &c., &c.

To all to whom these presents shall come

GREETING:

WHEREAS, by an Act of the Parliament of Canada, passed in the thirty-fifth year of Our Reign, entitled "An Act respecting the Canadian Pacific Railway," it is provided, upon the considerations therein declared, that a railway, to be called "The Canadian Pacific Railway," should be made, in conformity with the agreement referred to in the preamble to the said Act, and should extend from some point on or near Lake Nipissing and on the south shore thereof, to some point on the shore of the Pacific Ocean; both the said points to be determined by the Governor in Council, and the course and line of the said railway between the said points to be subject to the approval of the Governor in Council:

AND WHEREAS, it is, by the said Act, further provided, that the Government of Canada might further agree with the Company with whom they shall have agreed for the construction and working of the said railway, for the construction and working of a branch line of railway, from some point on the railway first thereinbefore mentioned, to some point on Lake Superior in British Territory, and for the construction and working of another branch line of railway from some point on the railway first mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America, the said points to be determined by the Governor in Council; and that such branch lines of railway should, when so agreed for, be held to form part of the railway first thereinbefore mentioned, and portions of *The Canadian Pacific Railway*:

AND WHEREAS, amongst other things, it is by the said Act in effect provided, that if there should be no company either incorporated originally for the construction of the whole line of railway, or formed out of two or more companies for that purpose, or if the Government could not agree, or did not deem it advisable to agree, with any such company for the construction and working of the whole line of railway under the said Act, or if the Government should be of opinion that it would be more advantageous for the Dominion, and would better ensure the attainment of the purposes of the said Act, that a company should be incorporated by Charter as therein provided, then if there should be persons able and willing to form such Company, and having a subscribed capital of at least ten million dollars, secured to the satisfaction of the Governor in Council, and ready to enter into such agreement with the Government for the construction and running of the said railway, the Governor should have power, upon the conditions in the said Act mentioned, to grant to such persons, and those who should be associated with them in the undertaking, a Charter embodying the agreement made with such persons which should be binding on the Company and so much of the said Act, and of the railway Act (as such railway Act was modified by any Act of the now last Session, with reference to any railway to be constructed under such Act on any of the lines or between any of the points mentioned in the said Act now in recital) as should be agreed upon between the Government and such Company: and that such charter being published in the *Canada Gazette*, with any order or orders in Council relating to it, should, in so far as it is not inconsistent with the said recited Act, have force and effect as if it were an Act of the Parliament of Canada:

AND WHEREAS, the Government has failed to induce the two Companies incorporated by Parliament during its last Session for the purpose of constructing the railway, to form one Company, and does not deem it advisable to agree with either of the said two Companies for the construction of the railway, and is of opinion that it will be more advantageous for the Dominion, and will better ensure the attainment of the purposes of the Act first above mentioned, that a company shall be incorporated by charter as in such Act provided:

AND WHEREAS, Sir Hugh Allan, of the city of Montreal, Knight; The Honourable Adams George Archibald, of the city of Halifax, C.M.G., a member of the Queen's Privy Council for Canada; The Honourable Joseph Octave Beaubien, of Montmagny, Commissioner of Crown Lands in the Province of Quebec; Jean Baptiste Beaudry, of the city of Montreal, Esquire; Egerton Ryerson Burpee, of the city of Saint John, Esquire; Frederic William Cumberland, of the city of Toronto, Esquire; Sandford Fleming, of the city of Ottawa, Esquire; Robert Newton Hall, of the town of Sherbrooke, Esquire; The Honourable John Sebastian Helmcken, of the city of Victoria; Andrew McDermot, of the town of Winnipeg, Esquire; Donald McInnes, of the city of Hamilton, Esquire; Walter Shanly, at present of the town of North Adams, in the United States of America, Esquire; and John Walker, of the city of London, in the Province of Ontario, Esquire, have shown themselves to be able and willing to form such Company for the construction and working of the railway and branches; and have subscribed a capital sum of ten million dollars, secured to the satisfaction of the Governor in Council, and have so subscribed the same in the proportions following, that is to say: $3,846,000, or nearly five-thirteenths, in the Province of Ontario; $3,076,800, or nearly four-thirteenths, in the Province of Quebec; and $769,300, or upwards of one-thirteenth, in each of the Provinces of Nova Scotia, New Brunswick, Manitoba and British Columbia, respectively; and are ready to enter into an agreement with the Government for the construction and working of the railway and branches; and the Government has agreed with the said persons for the construction and working of the railway and branches:

AND WHEREAS, the agreement so made and entered into between the said persons and the Government, is embodied in this Our Royal Charter:

NOW THEREFORE KNOW YE, that We of Our special grace, certain knowledge and mere

motion, and in pursuance of the power vested in Us by the Act hereinbefore in part recited, do ORDAIN, GRANT AND DECLARE that the said Sir Hugh Allan; Honourable Adams George Archibald; Honourable Joseph Octave Beaubien; Jean Baptiste Beaudry, Esquire; Egerton Ryerson Burpee, Esquire; Frederick William Cumberland, Esquire; Sandford Fleming, Esquire; Robert Newton Hall, Esquire; Honourable John Sebastian Helmcken; Andrew McDermot, Esquire; Donald McInnes, Esquire; Walter Shanly, Esquire; and John Walker, Esquire; together with all such persons as shall become associated with them in the undertaking, for the purposes herein mentioned, shall be and are hereby constituted a body corporate and politic by the name, style and title of "The Canadian Pacific Railway Company," and by that name, they and their successors shall and may have continued succession; and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever. And that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the name of "The Canadian Pacific Railway Company," shall be in law capable of taking, purchasing, and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the Company, and of selling, conveying, leasing or otherwise departing therewith, for the benefit and on the account of the Company, from time to time, as they shall deem expedient or necessary, subject to the provisions, restrictions and limitations hereinafter contained.

STOCK.

2. AND WE DO FURTHER ORDAIN AND DECLARE that the capital stock of the Company shall be ten million dollars, which shall not be increased but by Act of Parliament (such capital stock having been already subscribed as aforesaid), to be held in shares of one hundred dollars each, which shall in all respects be deemed personal property, and ten per centum thereon shall be paid into the hands of the Receiver-General of Canada, in money or Canadian Government securities, within one month after the date of these presents, to remain in his hands until otherwise ordered by Parliament. And the interest received by the Receiver-General from the investment of such money and from such securities shall be paid to the Company as received, until he shall be authorized by the Government to withhold and retain the same by reason of some default incurred by the Company in the performance of the conditions of this Charter, or of any subsequent agreement between the Government and the Company.

3. That the shares of the said capital stock shall, after the first deposit thereon has been paid, be transferable; but no transfer made within six years from the date hereof shall be valid or effectual, unless it be made with the consent of the Government, and of the Directors, and registered in the books to be kept by the Company for that purpose; nor after six years, unless it be made with the consent of the Directors, and registered as aforesaid. And in the event of the right of property in any of the shares in the capital stock of the Company becoming transmitted otherwise than by direct transfer, the person claiming the same shall be bound to establish such claim in the manner provided for the transmission of Bank Stock by the Act 34 Vic., cap. 71, intituled, "An Act respecting Banks and Banking." And in the event of the bankruptcy or insolvency of any holder of any shares not fully paid up, or of the sale thereof under execution, such shares shall be *ipso facto* forfeited, but the Company shall pay the purchaser of such shares, or the Assignee or other representative of such Shareholder for such shares at the current value thereof.

4. That no call shall be made upon the stock of the Company beyond or above the first deposit of ten per centum thereon, save as in this clause mentioned, and the balance of ninety per centum thereof shall not be called up until after the expenditure of the money to be raised upon the bonds of the Company or otherwise, as hereinafter authorized and provided; but such balance shall remain as a security to the Government for the final completion and equipment of the railway. After such expenditure the Directors may, from time to time, if necessary, with the approval of the Government, call upon the shareholders for such instalments upon each share, and in such proportion as the Directors may see fit; except that no such instalment shall exceed ten per centum on the subscribed capital, and that ninety days' notice of the time fixed for the payment thereof shall be given in such manner as the Directors shall think fit. And such calls shall not be made more frequently than once in ninety days.

RAILWAY.

5. That the Company may and shall lay out, construct, equip, maintain, and work a continuous railway, of the width or gauge of four feet eight and one-half inches, which railway shall be made in conformity with the Act hereinbefore recited, and with this Our Royal Charter; and such railway shall extend from some point on or near Lake Nipissing, and on the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Government, and the course and line of the said railway between the said points to be subject to the approval of the Government.

6. That the Company may and shall lay out, construct, equip, maintain, and work a branch line of railway from some point on the railway in the last preceding clause mentioned, to some point on Lake Superior in British Territory, and also another branch line of railway from some point on the railway in the last preceding clause mentioned, in the Province of Manitoba, to some point on the line between that Province and the United States of America, the said points and the courses and lines of the said branches between the said points to be determined by the Government; the said branches to be of the gauge aforesaid; and such branch lines of railway shall form part of the railway in the last preceding clause mentioned, and portions of *The Canadian Pacific Railway*.

7. The railway shall be divided into sections, as follows:—

(1.) THE EASTERN SECTION.—Extending from the Eastern Terminus to Red River.

(2.) THE LAKE SUPERIOR SECTION.—Extending from some point on the Eastern Section to Lake Superior.

(3.) THE CENTRAL SECTION.—Extending from Red River to a point in the longitude of Fort Edmonton.

(4.) THE MANITOBA SECTION.—Extending from the main line in the Province of Manitoba to the Boundary of the United States.

(5.) THE WESTERN SECTION.—Extending from a point in the longitude of Fort Edmonton to the Pacific coast.

8. That the Company shall, within two years from the twentieth day of July, in the year 1871, commence simultaneously the construction of the railway from the Pacific Ocean towards the Rocky Mountains, and from a point in the Province of Ontario hereafter to be determined by the Government, towards the Pacific Ocean, to connect the seaboard of British Columbia with the railway system of Canada; and further shall construct the Manitoba Section by the thirty first day of December 1874; the Lake Superior Section and such portion of the Eastern Section as shall be required to complete communication between Lake Superior and Red River, by the thirty first day of December, 1876; shall proceed with and construct the eastern and western sections simultaneously; shall prosecute the work of constructing the railway with all due diligence; and shall complete the whole railway within ten years from the said twentieth day of July, 1871, unless the last-mentioned period shall be enlarged by Act of Parliament, in which case the Company shall complete the whole railway within such extended period.

9. That the railway shall be constructed and equipped according to specifications to be hereafter agreed upon between the Government and the Company, and the materials of and manner in which the several works forming part thereof shall be constructed, and the mode of working the railway, or any part thereof, including the description and capacity of the locomotive engines and other rolling stock for working it, shall be such as may be hereafter agreed upon between the Government and the Company: Provided always that if the Government and the Company should be unable to agree as to the details of any of the matters in this clause mentioned, the same shall be, from time to time, referred to the determination of three competent Engineers, one of whom shall be chosen by the Government, one by the Company, and a third by such two Engineers, and the expenses of said references shall be defrayed by the Company. And in order to establish an approximate standard whereby such matters may be regulated, the Union Pacific Railway of the United States is hereby selected and fixed as such standard, but in a general way only, and not with respect to any minor details in its construction or working which may be found to be objectionable, nor with respect to alignment and grades, which shall be as favourable as the nature of the country will admit of without undue expenditure.

10. That whenever any portion of the railway exceding twenty miles is completed, the Company shall, upon being thereunto required by the Government, work the same for the conveyance of passengers and goods, at such times and in such manner as shall be from time to time agreed upon between the Government and the Company, or in case of failure to agree, as shall be determined by three Engineers selected as hereinbefore provided.

11. That the Government may, from time to time, appoint such persons as it may think proper to examine, inspect and report upon the construction and equipment of the railway, for the purpose of ensuring the faithful performance of the agreement between the Government and the Company, and the observance of all the provisions of this Charter.

12. That the Company may and shall construct, maintain and work a continuous telegraph line throughout and along the whole line of the railway, such telegraph line being required for the proper working of the railway, and forming a necessary appendage thereto.

13. That the Company shall from time to time furnish such reports of the progress of the work, with such details and plans of the work as the Government may require.

LAND GRANT.

14. That to secure the construction of the main line of railway, and in consideration thereof there is hereby appropriated a grant to the Company of fifty million acres of land, which land, with the exceptions hereinafter mentioned, the Company shall be entitled to demand and receive in the Provinces of Manitoba and British Columbia, and in the North-West Territories, in blocks not exceeding twenty miles in depth on each side of such main line and not less than six nor more than twelve miles in width, alternating with blocks of like depth and width on each side thereof, reserved by the Government.

That to secure the construction of the branch lines, and in consideration thereof, the Company shall be entitled to demand and receive from the Government in the North-West Territories, a land grant in aid of the branch line to Lake Superior, of twenty-five thousand acres per mile; and a land grant in aid of the branch line in Manitoba, of twenty thousand acres per mile.

That the land to be granted in aid of the main line, which shall not be comprised within the alternate blocks hereinbefore mentioned, or be within the Province of Ontario, shall be allotted to the Company in alternate blocks on each side of a common front line or lines, in like manner as the blocks granted and reserved along the line of the railway. And the land grant which the Government may be enabled to make to the Company for the purposes aforesaid, under any arrangement with the Government of the Province of Ontario, shall be received by the Company as part of the said land grant in aid of the main line.

But no land grant shall include any land then before granted to any other party, or on which any other party has any lawful claim of pre-emption or otherwise, or any land reserved for school or other public purposes, or any land reserved, or to be reserved under agreement with the Hudson's Bay Company, and the deficiency arising from the exception of any such lands shall be made good to the Company by the grant of an equal extent from other wild and ungranted Dominion lands.

That if it shall be found that any of the alternate blocks laid out along the line of the railway are unfit for settlement, the Company shall not be bound to receive from the Government any greater depth of land in such blocks than one mile, computed from the railway.

That the lands to be granted in aid of the main line of railway from out of the lands of the Dominion, and the lands to be granted in aid of the said branches shall consist of such land as shall be found east of the Rocky Mountains between parallels forty-nine and fifty-seven of north latitude and the Company shall not be bound to receive any lands which are not of the fair average quality of the land in the sections of country best adapted for settlement lying within those limits; and the same shall be laid out, as nearly as may be, contiguous to the lands granted along the main line of the railway, and to the Lake Superior branch.

The Company shall also have a right of way for the railway through Dominion lands.

The lands hereby appropriated to the Company shall be granted from time to time, at intervals of six months, as any portion of the railway is proceeded with, in quantities

proportionate to the length, difficulty of construction and expenditure upon such portion, to be determined in such manner as hereafter is provided.

15. That the price at which the alternate blocks of land retained by the Government shall be sold by the Government, shall be from time to time adjusted by agreement between the Government and the Company, according to the price that is found to be obtainable for such lands without obstructing the settlement of the country. But unless the Company shall sell lands granted to them at a lower average price, or shall otherwise agree, the Government shall, for and during the term of twenty years from the date hereof, retain the upset price of such alternate blocks at an average price of not less than two dollars and fifty cents per acre. The provisions of this clause are, however, subject to the sanction of Parliament.

16. That the subdivision of blocks of land granted to the Company shall be made in conformity with the system of survey prescribed by the Dominion Lands Act and any amendment thereof; and shall be made by the Company, and be subject to the inspection and approval of the Surveyor-General of Dominion lands.

17. That the Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.

SUBSIDY.

18. That a subsidy or aid in money, amounting to thirty million dollars, is hereby granted to the Company, payable from time to time by instalments at intervals of one month as any portion of the railway is proceeded with, in proportion to the length, difficulty of construction, and cost of such portion, such proportion to be ascertained and settled in the same manner as is herein provided with respect to the grants of land.

19. That the Company shall allow as part of the subsidy, the cost of the survey made in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, and to be made in the year one thousand eight hundred and seventy-three, by the Government of Canada, for the purpose of ascertaining the best line for the railway.

20. That it shall be lawful for the Company to accept and receive from the Government of any Province, or from any Municipality in Canada, or from any Corporation, a subsidy or aid in money, or bonds, or securities, payable in such manner, at such times, on such conditions, and at such places in Canada or elsewhere as may be agreed upon with the Company.

BOARD OF TRUSTEES.

21. That the Company may by by-law create a Board of Trustees, to consist of three persons, to be chosen and to be removable at pleasure, as follows, that is to say: one member thereof by the Government, one other member thereof by the Board of Directors, and one other member thereof by or on behalf of the bondholders, in such manner as may be provided by such by-law; and upon the completion of such Board by the choice of such members the same shall be published by the Secretary of the Company in the *Canada Gazette*.

22. That the removal, resignation, mental incapacity, or insolvency of any member of the Board shall vacate his appointment as such; and thereupon, or upon the death of any member, the vacancy occasioned thereby shall be filled by the choice of a person to be a member of the said Board by the Government, the Board of Directors, or the bondholders, as the case may be by whom the member whose vacant seat is to be filled was originally chosen. And such change shall be published in the manner aforesaid.

23. That the duties and powers of the Board of Trustees shall be as follows:—

I. To receive from time to time from the Government of Canada such portion or portions of the subsidy of thirty million dollars as may be earned by, and payable to the Company as hereinbefore mentioned.

II. To receive from time to time the net proceeds of the sales or rents of such portions of the land hereby appropriated as may from time to time be sold or leased by the Company; and also all such subsidies and aids as may be granted to the Company by the Government of any Province, or by any Municipality or other Corporation.

III. To pay the Board of Trustees, for their services, such sums of money as shall be from time to time fixed by by-law of the Company.

IV. After payment of the expenses of the trust, to invest all moneys received by them as Trustees in the securities of the Government of Canada, or of any of its Provinces, or

of the United Kingdom of Great Britain and Ireland, or of any of the Colonies of the United Kingdom, or of the British Possessions in India, or of the United States of America; and the Board may from time to time sell any such securities, and shall in any such case forthwith reinvest the proceeds of any such sale in other securities of the nature and kind hereinbefore mentioned, or in lieu thereof, when so directed by resolution of the bondholders passed in accordance with a by-law of the Company, purchase outstanding bonds of the Company.

v. The investments to be so made as hereinbefore directed, and the securities whereof the same shall from time to time consist shall form a sinking fund, to be held by the Board of Trustees, upon the trusts following, that is to say, upon trust to pay all costs and charges, which may be incurred in respect of the execution of the trusts hereby created, and in the investment and reinvestment as hereinbefore mentioned, and thereafter upon trust to pay the interest upon the bonds of the Company, as the same shall, from time to time, become due and payable, and thereafter upon trust to pay and discharge the bonds of the Company as the same, and the principal money thereby secured, shall mature and become due and payable; and upon this further trust, after full payment and discharge of all sums of money of principal and interest upon the bonds of the Company, and of all costs and charges incurred in respect of the execution of the trusts hereby created, to transfer the said sinking fund, and the securities thereof, to the Company, to and for the absolute use and behoof of the Company; and the trusts hereby created shall thereupon cease and absolutely determine.

vi. The Board of Trustees shall conform to any order or direction respecting the performance of its duties, which may be concurred in by the Company and by the bondholders acting as provided by by-law.

24. That the Board shall have such further and other powers in the premises, as may be conferred upon them by any by-law of the Company approved by the Government. But no such by-law shall be contrary to, or inconsistent with, the provisions of this charter.

25. That a majority of the Board of Trustees may lawfully exercise the powers of the Board, and the action of such majority shall be held to be the action of the Board. But none of the powers hereby vested in the Company or in the Board of Trustees or the majority of them, shall be acted upon contrary to or inconsistent with the provisions of any agreement which shall be duly entered into by the Company or the Board of Trustees, or by both, with any person or persons who may agree to become holders of the bonds of the Company. And any agreement, resolution, or proceeding made or taken contrary to, or inconsistent with, such agreement, to the detriment of such bondholders, shall be absolutely null and void in law, and shall have no force or effect whatever.

LAND MANAGEMENT.

26. That the Board of Directors may, from time to time, appoint Commissioners or Agents for the management and disposal of the lands of the Company, with such powers and duties as shall be provided by the by-laws of the Company.

27. That the Company shall render to the Board of Trustees yearly accounts of all sales, leases or other disposition of lands; and shall from time to time pay over to the Board of Trustees the net proceeds thereof, after deduction of the cost of management and sale, such cost not to exceed ten per centum of the gross proceeds.

POWERS OF COMPANY.

28. That the Company shall, from time to time, cause the names of the several parties interested in the stock of the Company, and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register," and may in like manner cause the names and interest of the bondholders to be recorded from time to time in a book to be called "The Bond Register"; and duplicates of all registers of stock and bonds of the Company, and of the holders thereof, kept at the principal office of the Company in Canada may be transmitted to and kept by the agent for the time being of the Company in London.

29. That the Company may pay to the shareholders interest on the amount of their paid up capital at the rate of five per centum per annum, during the construction of the railway and works.

30. That the Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and all

1766

such promissory notes made or endorsed, and such bills of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, under the authority of the Board, shall be binding on the Company; and may also issue scrip with the like signatures, redeemable in the stock of the Company, or in lands, or in both; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note, bill of exchange, or scrip: Provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

31. That the Company may, with the approval of the Government, enter into and conclude any arrangements with any other incorporated railway company in Canada or the United States, for the purpose of making any branch or branches to facilitate a connection between the railways of the Company and of such other incorporated company, and they may, with like approval, enter into arrangements for the mutual interchange of traffic with all railway companies completing their lines to the lines of the Company; and they may, with like approval, lease or acquire such last-mentioned railway or railways, or make running arrangements therewith, and generally may, with like approval, enter into such arrangements as will secure uniform and complete railway connection with the system of railways now or hereafter existing in Canada or the United States.

32. That the Company, after the opening of the railway, or any part thereof, to the public, shall annually submit to the Parliament of Canada, within thirty days after the opening of each session thereof, a detailed and particular account attested by the President and Secretary of the Company, of all moneys by them earned on the part so opened, together with the running expenses thereof, with a classified statement of the tonnage of freight, and the number of passengers conveyed over the said road; and shall comply with any further provisions which Parliament may hereafter make with regard to the form or details of such account or the mode of attesting or rendering the same.

33. That the Company may, until such right is determined by Parliament, undertake the transmission of messages for the public by any line of telegraph they may construct on the line of their railway, and collect tolls for so doing; or may, with the approval of the Government, lease such line of telegraph, or any portion thereof, subject to any provisions herein contained; and, if they think proper to undertake such transactions, they shall be subject to the provisions of the fourteenth and following clauses of chapter sixty-seven of the Consolidated Statutes of Canada.

DIRECTORS AND THEIR POWERS.

34. That the said Sir Hugh Allan, Adams George Archibald, Joseph Octave Beaubien, Jean Baptiste Beaudry, Egerton Ryerson Burpee, Frederic William Cumberland, Sandford Fleming, Robert Newton Hall, John Sebastian Helmcken, Andrew McDermot, Donald McInnes, Walter Shanly, and John Walker (a majority of whom shall constitute a quorum for the transaction of business), shall be Provisional Directors of the Company, and shall have power and authority to elect a President and Vice-President from among their number, to appoint a Secretary, Treasurer, and other officers, to call a general meeting of Shareholders for the election of Directors, as hereinafter provided, and generally to do such other acts as shall be necessary for the conduct and management of the said undertaking, and for finally procuring the election of a Board of Directors by the shareholders.

35. That the Provisional Directors shall hold office until the election of their successors; and shall call a meeting of the shareholders, to be held on such day, as hereinbefore provided for, and at such place in the city of Ottawa as they shall decide, giving due notice thereof to each shareholder; at which general meeting the shareholders present, either in person or by proxy, shall elect thirteen Directors, who shall constitute the Board, and shall hold office until others are elected in their stead; and if any vacancy shall occur by the death, resignation, mental incapacity, insolvency, or disqualification from want of stock of any Director, the vacancy shall be filled for the residue of the current year of office by the Board of Directors.

36. That the Directors be thirteen in number, of whom seven shall be a quorum, and provided such quorum be present, any absent Director may be represented and vote by another Director as his proxy; but no Director shall hold more than one proxy. And the Directors shall retire in the following order, that is to say: four at the end

of the first and second years respectively, and five at the end of the third year, and so on in similar proportions, during succeeding years. The Directors so to retire at the end of the first year shall be selected by ballot of the Board. Those to retire at the end of the second year shall be selected by ballot among the nine Directors remaining of the original Board. And at the third and succeeding elections they shall retire by seniority, but the retiring Directors shall be eligible for re-election, and any Director appointed by the Board to fill a vacancy, shall also retire at the end of the current year of office, and a Director shall then be elected by the shareholders in his stead—which Director shall occupy the same position with regard to retirement and seniority as the Director who first vacated the seat. And on the first Wednesday in February, in each year thereafter, or on such other day as may be appointed by a by-law of the Company, there shall be held at the principal office of the Company, a general meeting of the shareholders, at which meeting they shall elect such a number of Directors for the ensuing year as shall be required to supply the places of the Directors so retiring; and public notice of such annual meeting shall be given at least one month before the day of election. Each Director shall be a subject of Her Majesty, and a holder of at least two hundred and fifty shares of the said stock. The election of Directors shall be by ballot, and the President of the Company, and a majority of the Directors shall reside in Canada.

37. That the chief place of business of the Company shall be at the city of Ottawa, but other places at which the Directors or committees of the Directors may meet and transact business may be fixed by the by-laws of the Company.

38. That whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened for any purpose, the Directors shall convene such meeting at the city of Ottawa, by advertisement, in the manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting shall be expressly mentioned.

39. That any deed required and authorized to be executed on behalf of the Company, shall be held to be valid and binding on the Company, if it be signed by the President or Vice-President and by the Secretary, and the seal of the Company be affixed thereto: and no special authority shall be required for affixing the seal to any such deed.

40. That the Directors of the Company shall have power to administer, conduct and manage the affairs and business of the Company: and shall have and exercise all the powers requisite to enable them to do and perform, make and execute, all such acts, matters and things, deeds and instruments as shall be necessary to carry out the provisions of this Charter, according to the true intent and meaning thereof, including the power of selling, leasing, or otherwise disposing of the lands granted or to be granted in aid of the railway, and of any other lands of the Company not required for the purposes of the railway; except in so far as their powers are expressly limited by the provisions hereof. And they shall also have power, from time to time, to make by-laws for the conduct, management and administration of the affairs of the Company generally; and for the remuneration of the President and Directors of the Company, if such remuneration be deemed advisable; and also such by-laws as are contemplated by the provisions of this Charter for the regulation of divers matters herein required or authorized to be so regulated; and the same to amend or repeal: Provided always, however, that such by-laws shall have no force or effect in any respect in which they, or any of them, shall be contrary to or inconsistent with this Charter, nor in any respect in which they shall require the approval of the Government, until they have received such approval. And such by-laws shall in no case have any force or effect after the next general meeting of shareholders which shall be held after the passage of such by-laws by the Board of Directors, unless they are approved by such meeting; and any copy of the by-laws of the Company, or any of them, purporting to be under the hand of the clerk, Secretary, or other officer of the said Company, and having the seal of the said corporation affixed to it, shall be received as *primâ facie* evidence of such by-law in all courts of the Dominion of Canada.

41. That the Directors of the Company are hereby authorized and empowered to issue bonds, which shall be a first charge on the railway and its appurtenances, and on the tolls and revenues thereof, and on all lands, whether the property of the Company at the time of the issue of such bonds, or thereafter acquired. And such bonds shall be in such form, and for such amount, and with such coupons attached, and they, and the coupons attached thereto shall be payable, at such times and places as the Directors from time to time shall provide. And the payment to the Treasurer of the Company,

or to any other person appointed by by-law for the purpose, by any *bonâ fide* purchaser of any lands of the Company, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed, of such purchase money; shall operate as a release of the lands so paid for from the effect of such charge; and the Company shall keep all moneys so received separate and apart from its ordinary funds, and shall pay over the nett proceeds thereof to the Board of Trustees as hereinbefore provided. The bonds shall be signed by the President or Vice-President and the Secretary, but the signature of the President or Vice-President to the bonds, and the signature of the Secretary to the coupons, may be lithographed or engraved thereon; and such bonds shall be valid without having the seal of the Company affixed thereto.

Provided that the amount of such bonds shall not exceed forty thousand dollars per mile, to be issued in proportion to the length of railway to be constructed under and by virtue of this charter, unless the issue of bonds to a larger amount be authorized by the Government. And all bonds issued under this charter shall have the same and equal rank and priority, as a first charge on the assets of the Company hereinbefore described.

42. That if, at any time, any agreement be made by the Company with any persons intending to become bondholders of the Company, restricting the issue of bonds by the Company, under the powers conferred by the preceding section, or defining or limiting the mode of exercising such powers; the Company thereafter shall not act upon such powers otherwise than as defined, restricted and limited by such agreement. And no bond thereafter issued by the Company, and no order, resolution, or proceeding thereafter made, passed or had by the Company, or by the Board of Directors, contrary to the terms of such agreement, shall be valid or effectual.

43. That the Directors of the Company may, by by-law, appoint an agent or agents in the city of London, England, and may by such by-law make provision for the payment of dividends, and for the transfer of the stock and bonds of the Company at the said city of London, in such manner, and upon such terms and conditions as shall be provided by such by-law. Provided that all such by-laws for the transfer of stock passed within six years after the date of this Charter, shall be subject to the approval of the Government.

MISCELLANEOUS PROVISIONS.

44. That for the purpose of making an allotment of the land and money subsidies, the railway shall be divided into convenient sections; and so soon as sufficient information has been obtained respecting the difficulty and cost of construction of such sections, the proportion of land and money subsidies applicable to each of them shall be determined by agreement between the Government and the Company; and if the Government and the Company are unable to agree upon such proportion, the same shall be decided upon by three Engineers selected as hereinbefore provided.

45. That "The Railway Act of 1868," as modified by any Act of the Parliament of Canada, of the Session held in the year 1872, with reference to any railway to be constructed under any such Act on any of the lines, or between any of the points mentioned in the Act in this charter first recited, in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions thereof, are hereby incorporated therewith,

46. And as respects the said railway, that the eighth section of "The Railway Act, 1868," relating to *Plans and Surveys*, shall be subject to the following provisions:—

It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, mis-statement, or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister, and certified by him; and the Company may then make the railway in accordance with such certified correction.

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Government and deposited by the Company, shall be allowed, on the approval of the Government Inspector, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by order of the Government,

and the Company may then make their railway in accordance with such authorized deviation.

The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall avail as if made and deposited as required by the said "Railway Act, 1868," for all the purposes of the said Act, and of this charter; and any copy of, or extract therefrom, certified by the said Minister or his deputy shall be received as evidence in any court of law in Canada.

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Public Works.

The Company shall not commence the construction of any bridge over any navigable water until they shall have submitted to the Government plans of such bridge, and of all the intended works thereto appertaining, nor until such plans and the site of such bridge shall have been approved by the Government; and such conditions as it shall think fit to impose touching such bridge shall be complied with; nor shall any plan of any such bridge be altered, or deviation therefrom allowed, except by permission of the Government.

47. That the provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "The Railway Act, 1868," as to incumbrances on lands acquired by the Company, shall apply to lands acquired by the Company in the Provinces of Manitoba and British Columbia, and in the North-West Territories; and as respects lands in the North-West Territories, the Court of Queen's Bench for the Province of Manitoba shall be held to be the Court intended by the said sub-sections.

48. That in the Provinces of British Columbia and Manitoba, any Judge of a Superior or County Court shall have all the powers given by the said Act to a County Judge, and in the North-West Territories such powers shall be exercised by a Judge of the Queen's Bench of the Province of Manitoba.

49. That it shall be lawful for the Company to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel, and other materials which may be necessary or useful for the construction of the railway; and also to lay out, and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations, depôts, workshops, buildings, side-tracks, wharves, harbours and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "The Railway Act, 1868," such greater extent taken, in any case, being allowed by the Government, and shown on the maps or plans deposited with the Minister of Public Works.

50. And whereas, it may be necessary for the Company to possess gravel pits and quarries, and lands containing deposits of gravel, stone, brick clay, iron or coal, as well as lands for stations and other purposes, at convenient places along the line of railway, for constructing and keeping in repair, and for carrying on the business of the railway; and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; therefore, that the said Company may purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then, with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons, or bodies politic, to give, grant, sell or convey unto and to the use of, or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches, fuel-yards, station grounds or workshops, or for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

51. That as respects places not within any Province, any notice required by the "Railway Act, 1868," to be given in the "Official Gazette" of a Province, may be given in the *Canada Gazette*.

52. That deeds and conveyances of lands to the Company for the purposes of this Charter (not being Letters Patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:—

"Know all men by these presents, that I, A.B., in consideration of paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said The Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to

hold the said land and premises unto the said Company, their successors and assigns, for ever.

"Witness my hand and seal, this day of one thousand eight hundred and

"Signed, Sealed and Delivered in presence of } A.B. [L.S.]

"C. D.
"E. F."

or in any other form to the like effect.

53. That Her Majesty's naval and military forces, whether Imperial or Canadian, Regular or Militia, and all artillery, ammunition baggage, provisions, or other stores for their use, and all officers and others travelling on Her Majesty's naval or military or other service, and their baggage and stores, shall at all times, when the Company shall be thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Minister of Militia and Defence of Canada, or by the Chief Naval Officer on the North American Station on the Atlantic, or on the Pacific Ocean, be carried on the said railway on such terms and conditions, and under such regulations as the Government shall from time to time make.

54. That the Justices of the Peace for any county or district in British Columbia and Manitoba, assembled in general or quarter sessions, shall have the power vested by section forty-nine of "The Railway Act, 1868," in the Justices so assembled in the Province of Ontario as to the appointment of Railway Constables, and in places where there are no such sessions, any two Justices of the Peace in any Province, or in any place not within a Province, shall have the powers given by the said section to any two Justices of the Peace in Ontario for the appointment and dismissal of any such constables; and where there is no Clerk of the Peace the record of the appointment of a constable shall be dispensed with.

55. That it shall be lawful for the Government, by order to be published in the *Canada Gazette*, on or before the first day of May, 1874, to declare this Charter, and the several provisions thereof, and all contracts and agreements made thereunder between the Government and the Company to be null and void, if the Company have not by the first day of January last preceding that date, made arrangements to the satisfaction of the Government for raising the money required for the construction and working of the said railway.

56. That the expression "the Government" and "the Governor in Council" in this Charter, mean the Governor-General in Council; and the expression "railway" includes as well the branches as the main line of the Pacific Railway, except when the contrary appears from the context.

And WE do, for ourselves, our heirs and successors, grant and declare that these Our Letters Patent, or the enrolment thereof, shall be in and by all things valid and effectual in the law, according to the true intent and meaning of the same, and shall be recognized as valid and effectual by all Our Courts and Judges, and all officers, persons, and bodies politic or corporate, whom it doth or shall or may concern.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, Our Right Trusty and Well Beloved Cousin and Councillor the Right Honourable Sir FREDERIC TEMPLE, Earl of DUFFERIN, Viscount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh in the County Down, in the Peerage of Ireland and a Baronet, Knight of Our Most Illustrious Order of St. Patrick, and Knight Commander of Our Most Honourable Order of the Bath, Governor-General of Canada, and Governor and Commander-in-Chief in and over the Island of Prince Edward, and Vice-Admiral of Canada and Prince Edward. At Our GOVERNMENT HOUSE, in Our CITY of OTTAWA, in Our Dominion, this Fifth day of February, in the year of Our Lord, one thousand eight hundred and seventy-three, and in the Thirty-sixth year of Our Reign.

By Command,
J. C. AIKINS,
Secretary of State.

No. 2.

The Earl of Dufferin to the Earl of Kimberley.—(Received March 12, 1873.)

Ottawa, Canada,
February 27, 1873.

My Lord,

The preliminaries connected with the loans about to be effected in connection with the "Intercolonial Railway" and the "Canadian Pacific Railway" being now complete, my Government have recorded in a Minute of Council, which I now have the honour of enclosing to your Lordship, their satisfaction with the arrangements made by Her Majesty's Government in respect of the Imperial guarantees by which those loans have been facilitated, and their acquiescence with the terms and conditions attached to them by your Lordship.

I have, &c.,

DUFFERIN.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

Inclosure in No. 2.

Copy of a REPORT of a Committee of the Hon. the Privy Council, approved by His Excellency the Governor-General on the 20th February, 1873.

The Committee of Council, understanding that your Excellency is about to communicate with the Right Hon. the Secretary of State for the Colonies, upon the subject of the guarantees undertaken by Her Majesty's Government, and referred to in the Despatches No. 98 of the 23rd October* and that of the 5th December last,† respectfully recommend that your Excellency will take that opportunity of conveying to Lord Kimberley more specifically than has been done in previous Minutes of Council their acceptance of the proposals contained in the said Despatches, and the expression of their satisfaction that the arrangement proposed by the Committee of Council for the negotiation of the loans, the payment of the interest, and the establishment of the Sinking Fund, have met the approval of Her Majesty's Government.

The Committee of Council further recommend that your Excellency will likewise be pleased to inform Lord Kimberley that they readily assent to the request made in the Despatch of the 23rd of October, 1872, that the terms of negotiation, the form of the Bond, and all other proposed arrangements connected therewith be submitted for the approval of Her Majesty's Government.

Certified. W. A. HIMSWORTH,
Clerk of the Privy Council, Canada.

No. 3.

The Earl of Dufferin to the Earl of Kimberley.—(Received 19th March.)

Ottawa, 4th March, 1873.

My Lord,

I have the honour to enclose for your information a copy of a Report of Council recommending that American vessels should not be prevented from fishing within Canadian waters before the Act of Congress giving effect to the Treaty of Washington comes into force on the 1st of July next.

I have forwarded a copy of this report to Sir Edward Thornton.

I have, &c.,

(Signed) DUFFERIN.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

* This Despatch related to another Loan, and is not printed.
† Vide page 6 of Papers presented by Command, March 1873 [C—702].

COPY of a REPORT of a COMMITTEE of the HON. the PRIVY COUNCIL, approved by HIS EXCELLENCY the GOVERNOR-GENERAL on the 3rd March, 1873.

The Committee of the Privy Council beg leave to report to your Excellency that the Act of Congress giving effect to the Treaty of Washington does not come into force till 1st July next.

Until that time American fishermen have no legal right to fish in Canadian waters, and their vessels are liable to seizure for doing so.

The Committee are, however, of opinion that no steps should be taken by the Government to prevent American vessels from fishing within the three-mile limit, and that they should have full permission to fish, as far as the Government can grant it.

It is not probable that any seizures will be made before the 1st July at the instance of private parties, but should such a case occur, the Committee will be prepared to advise your Excellency to order the release of the vessel and the remission of any penalties incurred.

Certified.
(Signed) W. A. HIMSWORTH,
Clerk, Privy Council, Canada.

PRINCE EDWARD ISLAND.

No. 4.

(Telegraphic.) (Telegram. Received 1st July, 1872, at 4.55 P.M.)

Treaty Bill passed both Branches without amendment, and was assented to by me yesterday.

WILLIAM ROBINSON.

30th June.

No. 5.

Lieutenant-Governor ROBINSON to the EARL of KIMBERLEY.—(Received 25th July, 1872.)

MY LORD, Government House, 12th July, 1872.

Referring to my telegram of the 30th ultimo,* I have the honour to forward two copies of an Act passed during the last session of the Legislature, entitled "An Act relating to the Treaty of Washington, 1871."

2. Authenticated transcript of this Act, accompanied by the Attorney-General's report, will be forwarded by next mail.

I have, &c.,
(Signed) WILLIAM ROBINSON,
Lieutenant-Governor.

The Earl of Kimberley,
&c. &c. &c.

Inclosure in No. 5.

AN ACT relating to the TREATY of WASHINGTON, 1871.

[Passed June 29th, 1872.]

Preamble. Whereas, by Article thirty-three of the Treaty between Her Majesty and the United States of America, signed at the City of Washington on the eighth day of May, one thousand eight hundred and seventy-one, it is provided that articles eighteen to twenty-five, inclusive, relating to the fisheries, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward

*, No. 4.

Island, on the one hand, and by the Congress of the United States on the other; and that such assent having been given, the said articles shall remain in force for the term of years mentioned in the said Article thirty-three. And whereas it is expedient that the laws required to carry the said Treaty into effect as respects Prince Edward Island, should be passed by the Legislature thereof.

1. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly: The Act made and passed in the sixth year of the reign of Her present Majesty, chapter fourteen, intituled "An Act relating to the Fisheries, and for the prevention of illicit "trade in Prince Edward Island, and the coasts and harbours thereof," shall be, and is hereby suspended, as respects vessels and inhabitants of the United States of America engaged in taking fish of every or any kind, except shell fish, on the sea coasts and shores, and in the bays, harbours, and creeks of Prince Edward Island; as shall also all acts, laws, or regulations (if any), over which the Legislature of the said Island has control, which would in anywise prevent or impede the full effect of the said Article eighteen. 6 Vic., c. 14, in part suspended.

2. Fish-oil and fish of all kinds, except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil, being the produce of the fisheries of the United States, shall be admitted into Prince Edward Island free of duty. Articles admitted free.

3. The foregoing sections of this Act shall come into force upon, from, and after a day to be appointed for that purpose, by a Proclamation based upon an order of the Lieutenant-Governor in Council, and shall remain in force during the term of years mentioned in Article thirty-three of the said Treaty. Governor's proclamation.

No. 6.

Lieut.-Governor ROBINSON to the EARL of KIMBERLEY.—(Received 8th August, 1872.)

My LORD, Government House, 27th July, 1872.

In continuation of my Despatch of the 12th instant,* I have now the honour to forward authenticated transcripts† in duplicate, together with the Law Officers' summary, of an Act passed during the last Session of the legislature, entitled "An Act relating to the Treaty of Washington, 1871."

I have, &c.,
(Signed) WILLIAM ROBINSON,
Lieutenant-Governor.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

PRINCE EDWARD ISLAND.—Legislative Session of 1872.

AN ACT relating to the TREATY of WASHINGTON, 1871.

This Act is drawn as closely as possible in conformity with the Act on the same subject passed by the Dominion of Canada furnished (a copy thereof) by His Honour the Lieutenant-Governor to the Legislature.

(Signed) EDWARD PALMER,
Attorney-General of Prince Edward Island.

No. 7.

The EARL OF KIMBERLEY to Lieutenant-Governor ROBINSON.

Downing Street,
March 7th, 1873.

SIR,

I have the honour to acquaint you that a Telegram has been received at the Foreign Office from Sir Edward Thornton, reporting that the Canadian Fisheries Bill has been passed by Congress, but with the condition that it shall not come into force until the 1st of July next.

* No. 5. † Identical with the Act transmitted in No. 5.

I have been informed by the Governor-General of Canada by telegraph that the Canadian Government do not propose to exclude American fishermen from the waters of Canada in the meantime.

I request that you will inform me as soon as possible whether your Government will be prepared, as I conclude they will, to take the same course.

I have, &c.,

Lieutenant-Governor Robinson; (Signed) KIMBERLEY.
&c. &c. &c.

No. 8.

Lieutenant-Governor ROBINSON to the EARL of KIMBERLEY.—(Received 21 April, 1873.)

Government House, Prince Edward Island,
MY LORD, 2 April, 1873.

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 7th March,* stating that the Canadian Fisheries Bill has been passed by Congress with the condition that it shall not come into force until the 1st of July next; that the Canadian Government do not propose to exclude American fishermen from the waters of Canada in the meantime; and requesting to be informed whether my government will be prepared to take the same course.

2. From my telegram of the 16th ultimo your Lordship will have learnt that we are prepared to act in union with Canada in the matter of the fisheries, and I await your Lordship's instructions as to the issue of the proclamation contemplated by the Act passed during the last session of the Legislature of Prince Edward Island, entitled "An Act relating to the Treaty of Washington, 1871," 35 & 36 Victoria, cap. 2.

(Signed) I have, &c.,
WILLIAM ROBINSON,
Lieutenant-Governor.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

NEWFOUNDLAND.

No. 9.

The EARL of KIMBERLEY to Governor HILL, C.B.

SIR, Downing Street, 13th August, 1872.

I transmit to you for your information two Copies of an Act† to carry into effect the Treaty between Her Majesty and the United States of America, signed at Washington on 8th May, 1871.

I have to suggest that the question of the extension of the Articles of the Treaty to Newfoundland should be brought before your Advisers with a view to legislation before the meeting of Congress in December.

I am, &c.,

Governor Hill, C.B. (Signed) KIMBERLEY.

* No. 7.

† 35 & 36 Vict. cap. xlv.

No. 10.

Governor HILL, C.B., to the EARL of KIMBERLEY.—(Received 20th September, 1872.)

Government House, Newfoundland,
28th August, 1872.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 13th instant,* enclosing two Copies of an Act to carry into effect the Treaty between Her Majesty and the United States of America, signed at Washington on the 8th May, 1871, and suggesting that the question of the extension of the Articles of the Treaty to Newfoundland should be brought before my Advisers with a view to legislation before the meeting of Congress in December.

2. I have laid before my Ministers your Lordship's Despatch and invited their attention to the suggestions contained in it with reference to legislation respecting the Washington Treaty. I learn from them that it would be almost impossible to convene a meeting of the Legislature so as to extend the Articles of the Treaty to Newfoundland before the opening of Congress in December. The occupations of the majority of the members of the House of Assembly and of several members of the Legislative Council would incapacitate them from attending to their sessional duties earlier than the end of January next, at which time it is the present intention of my Advisers to open the Assembly.

3. I observe that the 2nd Section of the Act, cited as "The Treaty of Washington "Act," provides for the extension of the Articles of the Treaty as far as they relate to this Colony, to the Island whenever the necessary laws have been passed by the Legislature of Newfoundland and approved by Her Majesty. I shall therefore during the next session again invite the attention of my Executive to the Treaty, and I have no doubt—should nothing unforeseen occur—my Ministers will have little difficulty in inducing the Legislature to accept its provisions.

I have, &c.,

The Right Hon. the Earl of Kimberley, &c. &c. &c.

(Signed) STEPHEN J. HILL.

No. 11.

Governor HILL C.B., to the EARL of KIMBERLEY.—(Received 24th February, 1873.)

Government House, Newfoundland,
6th February, 1873.

MY LORD,

I avail myself of the immediate departure of the mail to transmit herewith a Manuscript Copy of the Speech with which I have this day opened the present Session of the Newfoundland Legislature.

I shall have the honour of transmitting to your Lordship, by the next mail, six Printed Copies of the Speech in question.

I have, &c.,

The Right Hon. the Earl of Kimberley, &c. &c. &c.

(Signed) STEPHEN J. HILL.

Inclosures in No. 11.

EXTRACT from the SPEECH of His Excellency Governor HILL, C.B., on the opening of the Fourth Session of the Tenth General Assembly of NEWFOUNDLAND, 6th February, 1873.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

Among the subjects of importance which will be submitted to you, special attention will be invited to the extension to this Colony of the Articles of the Treaty of Washington, so far as they are applicable to Newfoundland, and early legislation suggested upon this question.

* No. 8.

EXTRACT.

ADDRESS of the Legislative Council, in answer to the GOVERNOR'S Speech on opening the Session, presented to His Excellency at Government House, by the Hon. the PRESIDENT and Members, on the 22nd February.

To His Excellency Colonel STEPHEN JOHN HILL, Esquire, Companion of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, &c.

The extension to this Colony of the Articles of the Treaty of Washington, so far as they are applicable, calls for the careful consideration of the Legislature, and shall receive the patient attention due to a subject so seriously affecting the most vital interests of the Colony.

EXTRACT.

ADDRESS of the House of Assembly in answer to the GOVERNOR'S Speech, presented to His Excellency at Government House, by Mr. SPEAKER and the Members, on the 21st February.

To His Excellency STEPHEN JOHN HILL, Esquire, C.B., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

In giving special attention to the extension to this Colony of the Articles of the Treaty of Washington, as far as they are applicable to Newfoundland, we trust such Legislation will ensue as shall prove beneficial.

EXTRACT.

His Excellency's Reply.

Mr. SPEAKER and Gentlemen of the Honourable House of Assembly:

I am advised that the extension to the Colony of the Articles of the Treaty of Washington will be extremely beneficial to the interests of Newfoundland. I trust that the special attention which, from your Address, I infer you propose to bestow on the consideration of this convention, will result in such legislation as will enable me to inform the Secretary of State for the Colonies, promptly, that this Government has accepted the provisions of the Treaty.*

No. 12.

The EARL of KIMBERLEY to Governor HILL, C.B.

SIR, Downing Street, 7th March, 1873.

I have the honour to acquaint you that a telegram has been received at the Foreign Office from Sir Edward Thornton, reporting that the Canadian Fisheries Bill has been passed by Congress, but with the condition that it shall not come into force until the 1st of July next.

* Since this paper was printed information has been received by telegraph that the Newfoundland Legislature has passed an Act extending the provisions of the Treaty to Newfoundland.

I have been informed by the Governor-General of Canada, by telegraph, that the Canadian Government do not propose to exclude American fishermen from the waters of Canada in the meantime.

I request that you will inform me as soon as possible whether your Government will be prepared, as I conclude they will, to take the same course.

I am, &c.

Governor Hill, C.B.,
&c. &c. &c.

(Signed) KIMBERLEY.

No. 13.

Captain Hall, C.B., to the Colonial Office.

Sir, Admiralty, 10th March, 1873.

With reference to your letter of the 4th instant, inclosing a copy of a notification from the Foreign Office that the American Congress has fixed the 1st of July for the Canadian Fisheries Bill coming into force, I am commanded by my Lords Commissioners of the Admiralty to request you will move the Secretary of State for the Colonies to inform them whether any change is contemplated, in consequence of the action of the American Congress, in the instructions to the captains and commanding officers of Her Majesty's ships to be employed in the protection of the fisheries on the coast of Nova Scotia, Newfoundland, &c., as, if such is the case, their Lordships would be glad to be furnished with the particulars before the end of the present month.

I have, &c.,

(Signed) ROBERT HALL.

P.S.—A similar enquiry has been addressed to the Foreign Office.

No. 14.

Mr. Holland to the Admiralty.

Sir, Downing Street, 19th March, 1873.

I am directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 10th instant* enquiring whether any change is contemplated, in consequence of the action of the American Congress, in the instructions to the captains and commanding officers of Her Majesty's ships to be employed in the protection of the North American fisheries.

Lord Kimberley desires me to inform you, that on the receipt of your letter an enquiry was addressed to the Lieutenant-Governor of Prince Edward Island, and to the Governor of Newfoundland, as to whether the fisheries of those islands would be opened to Americans during the coming season.

The Lieutenant-Governor of Prince Edward Island has replied to the effect that his Government are prepared to act in accord with Canada in this matter, and the Governor of Newfoundland has informed his Lordship that the fisheries of Newfoundland are now open provisionally to Americans, and that it is probable that the Legislature of that island will soon pass the Act necessary to give effect to the Washington Treaty.

Their Lordships are aware that the Canadian Government, in anticipation of the Fishery Clauses of the Treaty coming into effect from the 1st July next, have determined not to exclude Americans from the fisheries of Canada in the interval, and in these circumstances Lord Kimberley is of opinion that the formal instructions to Her Majesty's naval officers on the North American station as regards the fisheries should be suspended.

It will be necessary, however, that Her Majesty's naval officers should be directed to give such protection as may be required to the Canadian revenue vessels in preserving order amongst the fishermen who may resort to the colonial fisheries.

I am, &c.,

(Signed) H. T. HOLLAND.

The Secretary to the Admiralty.

* No. 12.

No. 15.

Governor HILL, C.B., to the EARL of KIMBERLEY.—(Received 21st April.)

Government House, Newfoundland,
21st March, 1873.

MY LORD,

With reference to your Lordship's Despatch of the 7th March, I have the honour to state that the Government of Newfoundland do not propose to exclude American fishermen from the territorial waters of this Colony during the coming season.

I have, &c.,
(Signed) STEPHEN J. HILL.

The Right Hon. the Earl of Kimberley,
&c. &c. &c.

APPENDIX.

42nd Congress.
3rd Session.

IN THE SENATE OF THE UNITED STATES.—FEBRUARY 25, 1873.

AN ACT to carry into effect the provisions of the Treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the Fisheries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward Island have passed laws on their part to give full effect to the provisions of the Treaty between the United States and Great Britain signed at the city of Washington on the 8th day of May, 1871, as contained in Articles eighteenth to twenty-fifth, inclusive, and Article thirtieth of said Treaty, he is hereby authorised to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said Articles eighteenth to twenty-fifth, inclusive, and Article thirtieth of said Treaty, shall remain in force, according to the terms and conditions of Article thirty-third of said Treaty, all fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island, shall be admitted into the United States free of duty.

SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles eighteenth to twenty-fifth of said Treaty, inclusive, to that colony, and the Legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles eighteenth to twenty-fifth, inclusive, of the said Treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said Articles eighteenth to twenty-fifth, inclusive, and Article thirtieth, of said Treaty, shall remain in force, according to the terms and conditions of Article thirty-third of said Treaty.

SEC. 3. That from the date of the President's proclamation authorised by the first section of this Act, and so long as the Articles eighteenth to twenty-fifth, inclusive, and Article thirtieth of said Treaty, shall remain in force, according to the terms and conditions of Article thirty-third of said Treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may, from time to time, be, specially designated by the President of the United States, and destined for Her Britannic Majesty's Possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such Possessions, through the territory of the United States, for export from the said ports of the United States.

SEC. 4. That from the date of the President's proclamation, authorised by the first section of this Act, and so long as Articles eighteenth to twenty-fifth, inclusive, and Article thirtieth of said Treaty, shall remain in force, according to the terms and conditions of Article thirty-third of said Treaty, all subjects of Her Britannic Majesty

may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States, as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States: And provided further, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion, on terms of equality with the inhabitants of the Dominion, as provided in Article twenty-seventh of said Treaty: And provided further, That in case any export or other duty continues to be levied after the 16th day of June, 1872, on lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section, for such period as such export or other duty may be levied.

SEC. 5. That this Act shall not take effect until the 1st day of July, 1873, and shall not apply to any article of merchandise therein mentioned which shall be held in bond on that day by the customs-officers of the United States.

Passed the House of Representatives February 24, 1873.

Attest: EDWARD McPHERSON, Clerk.

LONDON: PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET, AND CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.